Inward Airpower: Civil-Military Considerations for Air Force Security Cooperation

by

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This paper examines potential civil-military implications for U.S. Air Force security cooperation activities in building partnership capacity with airborne intelligence, surveillance, and reconnaissance (ISR) capabilities. Specifically, this paper examines how proliferation of airborne ISR capabilities has the potential to undermine efforts to build and strengthen democratic governments. The potential unintended consequences and second or third-order effects of ISR proliferation present a dilemma to statesmen and strategists, wherein near-term security gains may undermine long-term democratization. Global proliferation of ISR technologies further complicates this dilemma, because should the United States choose not to export these technologies to a given country, suppliers from other nations will. This leaves decision makers seeking the least-worst solution, and requires commitment to address governance development at high levels within state-to-state relationships.   As partner nations struggle to control ungoverned territories and defeat insurgent and terrorist threats, airborne ISR provides tremendous capability for partner nations to meet their own security requirements.

INWARD AIRPOWER: CIVIL-MILITARY CONSIDERATIONS FOR AIR FORCE
SECURITY COOPERATION

This paper examines potential civil-military implications for U.S. Air Force security cooperation activities in building partnership capacity (BPC) with airborne intelligence, surveillance, and reconnaissance (ISR) capabilities. Specifically, this paper examines how proliferation of airborne ISR capabilities has the potential to undermine efforts to build and strengthen democratic governments. The potential unintended consequences and second or third-order effects of ISR proliferation present a dilemma to statesmen and strategists, wherein near-term security gains may undermine long-term democratization. Global proliferation of ISR technologies further complicates this dilemma, because should the United States choose not to export these technologies to a given country, suppliers from other nations will. This leaves decision makers seeking the least-worst solution, and requires commitment to address governance development at high levels within state-to-state relationships.

As the U.S. seeks to build partner nation counterinsurgency and counterterrorism capabilities, the success of ISR integrated with ground forces is a key lesson to carry forward. Airborne ISR assets have made vital contributions to operations in Iraq and Afghanistan and will remain essential to U.S., coalition and partner efforts in future counterinsurgency or security operations seeking to gain control over ungoverned spaces. Although U.S. and coalition operations have ended in Iraq, and as Afghans move toward assuming responsibility for their own security, the uncertainty of the global environment will continue to pose challenges of weak and failing states, ungoverned territory, insurgency movements, and global terrorist organizations. Persistent ISR

greatly facilities conduct of these operations in these environments. However, U.S. ISR capabilities and/or capacity are likely to be constrained in future defense budgets, and enabling allies and partners to meet their own security requirements will be essential to both promoting international stability and pursuing U.S. interests.

As this paper discusses the merits of ISR during recent and future operations, it focuses on considerations that may be relevant when exporting ISR capabilities. In addition, this paper discusses how intelligence operations may be conducted by a variety of military and civil means and how building robust ISR capabilities in partner nations may present numerous paradoxes. At the broadest level, ISR capabilities oriented toward internal defense may undermine the development or maturity of fledgling democracies. In addition, ISR may allow partner nations to infringe on their citizens' human or civil rights. Despite these concerns, the rapid development of surveillance technology by international corporations and other nations will likely proliferate capabilities beyond where U.S. policy can affect.

Regarding methodology, this paper considers political and military theory, history of the United States intelligence community, United States and international policy regarding human rights, and ongoing debate regarding technology, privacy, and civil rights. The latter provides diverse and emerging viewpoints, and consequently this paper provides only a mere snapshot of the current debate that will likely continue well after publication. Regarding terminology, for the purposes of this paper, unmanned aerial vehicle (UAV) and remotely piloted aircraft (RPA) are considered synonymous. Similarly, 'airborne ISR' includes both manned and unmanned platforms. In addition, while many airborne ISR assets are armed, this paper addresses only intelligence,

surveillance, and reconnaissance, and does not address kinetic missions such as armed overwatch, close air support, etc.

Regarding readers' expectations, this paper does not develop a succinct methodology or framework to facilitate decisions whether or not to export U.S. technology or determine civil-military cause and effect relationships. Rather, it merely illustrates the complexity of the issue in broad terms. Specific decisions must be in the context of individual partner states, regional considerations, and United States interests.

ISR and Ungoverned Spaces

From the earliest days of manned flight, aircraft have exploited the high ground, giving battlefield commanders perspectives and information not attainable from the surface. Although modern airpower provides tremendous capabilities for attack and mobility, early combat aviation began by conducting ISR. Robert S. Corum and Wray R. Johnson, in *Airpower in Small Wars,* illustrate this early application of military airpower.[1] Within a decade of the Wright brothers' first powered flight, U.S. Airmen were supporting operations against Pancho Villa, with the First Aero Squadron performing "reconnaissance, scouting, and other duties in support of ground troops…in short (they) would be General Pershing's 'eyes.'"[2]

Corum and Johnson conclude the First Aero Squadron's contribution was "marginal" due to limitations in equipment, technology and maintenance.[3] Nonetheless, these early missions were the first step in over a century of combat airpower, wherein airborne ISR has grown increasingly capable and important to joint operations. In 2003, Corum and Johnson concluded, "success in small wars requires comprehensive all-source intelligence and analysis that in some respects exceed the intelligence requirements in a conventional war…in small wars finding and identifying small guerilla

bands that can blend in with a sympathetic population is exceptionally difficult."[4] Their

assertion bore true during operations in Iraq and Afghanistan. As the nature of combat

in both theaters moved toward counterinsurgency operations, ground forces' demand

for ISR became insatiable.[5] In addition to fielding a remotely-piloted aircraft (RPA) from

the USAF MQ-9 Reaper to small hand-held RPVs, U.S. Air Force, U.S. Army, and

coalition partners rapidly fielded large numbers of manned aircraft which carried a

variety of sensors.[6]

Recent operations in Iraq and Afghanistan have created an insatiable demand for

ISR capabilities and capacity. Airborne ISR platforms have made tremendous

contributions on the battlefield in Iraq and Afghanistan, from supporting counterterrorist

operations to capture or kill high-value individuals, to monitoring ungoverned spaces, to

detecting improvised explosive devices, and enabling ground forces to dismantle bomb-

making and narcotics facilities. Looking beyond operations in Iraq and Afghanistan, Phil

Stewart extols the merits of employing US-operated MC-12 aircraft against dark

networks consisting of transnational terrorist and criminal organizations that threaten

local, regional, and global security.[7] Stewart makes a compelling argument for

employment of tactical ISR in emerging conflicts, however, he does not discuss options

for building partnership capacity.

Successes in Iraq and Afghanistan notwithstanding, recent government studies

have scrutinized recent operations due to their utilization in traditional

counterinsurgency missions. In response to criticisms of ISR contributions to

counterinsurgency by the Deputy Chief of Staff for Intelligence in Afghanistan, Major

General Michael T. Flynn, the Defense Science Board conducted a study of recent

operations.[8] In *Counterinsurgency (COIN) Intelligence, Surveillance, and Reconnaissance (ISR) Operations,* the Defense Science Board Task Force on Defense Intelligence identified numerous shortfalls, which include, "DoD and [Intelligence Community] officials tend to focus narrowly on airborne technical collection capabilities and systems rather than on the wider capabilities needed to support COIN," and "ISR support for COIN is currently being overshadowed by counterterrorism and force protection requirements."[9] Within the realm of security cooperation and irregular warfare, building partnership capacity (BPC) seeks to ensure partner nation "military institutions can provide security for their citizens and government."[10]   As the United States seeks to build partnership capacity for both counterterrorism and counterinsurgency operations, recent observations and lessons learned should shape the education and training tailored to each partner nation's requirements and United States interests regarding what organic capabilities are desired in the partner nation.

Democracy and Military Organization

Although not cited as the rationale for U.S. policy and strategy, it is a widely-held belief that "democratic states do not go to war *with each other.*"[11] Therefore, in addition to the merits of human rights and individual freedom, this paper adopts Everett Carl Dolman's assertion, "I (sic) accept as an *analytical assumption* the proposition that liberal democratic states do not go to war with each other."[12] Likewise, one can surmise that increased numbers of democratic states may lead to a more stable and peaceful international environment. The 2010 *National Security Strategy* states, one U.S. "value" is to "promote democracy and human rights abroad."[13] However, subsequent strategic guidance, "Sustaining U.S. Global Leadership: Priorities for 21st Century Defense," does not explicitly address democratization, although President Obama states, "…we

seek a just and sustainable international order where the rights and responsibilities of nations and peoples are upheld, especially the fundamental rights of every human being."[14] In the wake of tremendous U.S. investment in conducting regime change and nation-building operations in Iraq and Afghanistan, and in the context of domestic fiscal constraints, the 2012 Strategic Guidance tempers expectations for similar endeavors, stating, "*U.S. forces will no longer be sized to conduct large-scale, prolonged stability operations.*"[15] Therefore, in order to "deny safe havens and strengthen at-risk states," the U.S. will "…help states avoid becoming terrorist safe havens by helping them build their capacity for responsible governance and security through development and security sector assistance."[16] In addition, the U.S. is "strengthening our partnerships with foreign intelligence services and sustaining strong ties with our close allies, while, "…also pursuing "sustainable and responsible security systems in at-risk sates."[17]

Within U.S. efforts to further democracy, exporting ISR capability may present a paradox and the potential for unintended consequences. Carl Dolman, in *The Warrior State*, examines how military organizations influence the development and maturity of democracy within their own government.[18] Dolman's analysis shows that democratic governments are more likely to develop and mature if their armed forces are oriented toward an external threat, with limited capacity for territorial control.

Dolman develops ten principles for military organization, wherein, "if *all* are aligned with pro-democratic influences, the liberal democratic state may not inevitably result, but the purely authoritarian state cannot survive."[19] Dolman's ten principles range from military participation within the government to loyalty to the state.[20] Specifically, Dolman's two principles most related to the issue of airborne ISR are

"Offensive versus Defensive Strategy," and "Capacity for Territorial Control."[21] Beginning his analysis with the Peloponnesian war comparing liberal Athens with authoritarian Sparta, Dolman argues that sea-faring nations are more likely to develop democratic governments, since "the determinist characteristics of navies are their potential for strong force projection…they are extremely feeble tools of internal repression."[22] In comparison, "the purpose of armies is to traverse, take, pacify, and hold territory…this function readily transforms to police control functions."[23]

Dolman extends his argument to the nature of airpower, stating, "air forces, like navies, are generally organized for offensive military capability…and have a similar innate difficulty occupying territory. In this analogy, air forces should be inherently democratizing, but perhaps not as much as navies."[24] The difference between navies and air forces is their range and freedom of action, wherein naval forces have limited access to territory via littoral and riverine operations, while airpower has fewer constraints regarding range and maneuver.[25] Dolman's 2004 publication, however, was before the recent surge in airborne ISR capabilities.

The nine years following publication of *The Warrior State* have seen tremendous growth in ISR capabilities and capacity which may diminish the democratizing influence of Airpower according to Dolman's theory. Congressman Mike Rogers states, "when U.S. forces crossed into Iraq in 2003 the Joint Forces of the United States had approximately 158 operational UAVs. That is a far cry from where we are today [October, 2011] with over 2700 operational UAVs of various sizes and capabilities. The growth of UAVs has in many ways been matched by the growth of manned ISR platforms, aerostats, the coming hybrid airships and the improvement in the Processing,

Exploitation, and Dissemination capabilities of our forces to share and use the information that is collected."[26] In addition, the U.S. Government Accounting Office states, "in fiscal year 2010, intelligence spending across the national and military intelligence communities—which includes ISR—exceeded $80 billion."[27] Although ISR expenditures are only one component of the intelligence budget, the U.S. has made substantial investment in airpower capabilities that enable ground forces to control territory. Although the contested territory in failed and failing states is beyond U.S. borders, and ISR operations include direct action missions that are arguably offensive, the growth of airborne ISR capabilities may decrease the democratizing influence of airpower.

JCETs, Foreign Internal Defense, and the Leahy Amendment

Examining the history and policy regarding special operations forces (SOF) conduct and funding of Joint Combined Exchange Training (JCET) may provide perspectives to shape policy for the export of airborne ISR capabilities. JCETs are conducted under the provisions in 10 U.S. Code, Title 10, Section 2011, which allows geographic combatant commanders and the commander of U.S. Special Operations Command (SOCOM) to fund deployments of U.S. SOF teams.[28] DoD and SOCOM justifies funding by ensuring the priority mission for each deployment is training for U.S. SOF personnel. Host nation training benefit is considered a beneficial by-product of JCET exercises.

In 1998, a series of *Washington Post* articles sparked scrutiny of the JCET program.[29] The policy-level critique of the JCET program argued that SOF and combatant commander exercises were not synchronized with national policy and not overseen properly within the interagency, although JCETs were "in fact planned with the

U.S. Ambassador and the embassy staff country team's knowledge."[30] The reports

also alleged that partner nation forces trained by U.S. SOF teams subsequently

committed human rights abuses, which created a more vigorous response than did the

issue of policy disconnects.[31]

At one end of the spectrum, "JCETs may be viewed by some as directly

undermining U.S. efforts to promote democracy, demilitarization, and respect for human

rights."[32] Although SOF units began conducting human rights training as part of the

JCET curriculum, sovereign partner-nation decisions remained beyond U.S. control.[33]

Lynne Duke states that despite U.S. encouragement for "respect for human rights…U.S.

access to (partner nation) military officials has not necessarily meant U.S. influence

over their actions."[34] Similarly, Storey states, "JCET builds contacts with foreign military

leaders and encourages respect for human rights by host militaries; but a SOF team

has no control over the foreign unit's behavior after it leaves."[35]

In response to the JCET publicity and criticism, Congress attached '"the Leahy

Amendment to the Department of Defense FY1999 Appropriations Act (P.L. 105-262).[36]

The Leahy Amendment prohibits funds from being used to train a foreign unit if any

member of such unit has committed a 'gross violation of human rights.'"[37] In addition

the Security Assistance Act of 1998 (S.2463) and the International Military Training and

Accountability Act (H.R.3802) banned military training and JCETs in countries barred

from receiving IMET assistance.[38]

Unfortunately, application of the Leahy Amendment can be problematic, as can

be assessment of its effectiveness. Since individuals are vetted for previous human

rights abuses, it is feasible that foreign units may exclude specific personnel in order to

qualify for training, only to return those individuals to the unit after the JCET exercise. More importantly, individuals' previous good behavior may not be an accurate predictor of future behavior. While human rights training seeks to positively influence organizations as well as individuals, group dynamics and local politics may drive undesired behavior despite previous training. To complicate matters further, since personal oversight ends when SOF units leave, partner nations make independent decisions during future operations. That said, foregoing JCET exercises due to political uncertainties may forfeit access and influence in a country with limited U.S. presence, as well as undermine U.S. SOF training.[39] As discussed later in this paper, addressing human rights throughout all levels of the partner nation government and military forces provides a more systematic approach to influence policy and actions beyond training at the tactical level.

Privacy and Technology Export

While the Leahy Amendment addressed human rights violations, the civil-mil ramifications of building partnership capacity for ISR may range closer to civil rights. The distinction between civil and human rights may receive different scrutiny, since civil rights violations may seem more benign than the violence typically associated with human rights violations. Nonetheless, civil liberties and privacy may affect democratization. The 2011 National Security Strategy states, "Protecting civil liberties and privacy are integral to the vibrancy of our democracy and the exercise of freedom. We are balancing our solemn commitments to these virtues with the mandate to provide security to the American people."[40] Within the international community, the United Nations Declaration of Human Rights states, "no one shall be subjected to arbitrary interference with his privacy, family, home, or correspondence…"[41]

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The tension between liberty and security is not a new concern, and was highlighted by our founding fathers. Benjamin Franklin stated, "those who would give up essential liberty to purchase a little temporary safety deserve neither liberty nor safety."[42] Conversely, others stated, "eternal vigilance is the price of liberty."[43] New and developing democracies must determine how they will manage this paradox, and balance security requirements and vigilance with liberty within their societies.

Prior to the information age, within liberal democratic states, liberty was often a condition within society, since governments had limited means with which to monitor citizens' behaviors. As information age technology improves, however, liberty may become a privilege within society, wherein governments have significant knowledge of citizens' behaviors, yet chose to ignore information collected on law-abiding citizens. The National Security Strategy maintains a positive view of technology, stating that technological advances have "created powerful new opportunities to advance democracy and human rights," and "we support the dissemination and use of [sic] technologies" such as the internet, wireless networks, mobile phones, etc.[44]

However, new technology brings new means for surveillance and infringement on civil rights and human rights. Just as protesters and revolutionaries have leveraged social media to inspire and coordinate, governments are learning to monitor communications in various media. Carl Gershman, President of The National Endowment for Democracy, describes surveillance and information countermeasures conducted by authoritarian regimes that include warrantless surveillance, monitoring users of cybercafés, and launching malware attacks on opposition websites.[45] In addition, the Congressional Research Service report, "U.S. Initiatives to Promote Global

Internet Freedom: Issues, Policy, and Technology" provides extensive analysis of authoritarian regimes restricting internet access and conducting cyber operations against their own citizens.[46]

In many cases, U.S. corporations have provided the means for authoritarian regimes to monitor cyberspace.[47] In response to U.S. corporations facilitating authoritarian civil and human rights abuses, Representative Chris Smith is advocating the Global Online Freedom Act of 2011, "to prevent United States business from cooperating with repressive governments in transferring the Internet into a tool of censorship and surveillance…"[48]

The Global Online Freedom Act is reminiscent of the Leahy Amendment, although it pertains to export of civilian technology rather than military training. However, the United States does not have a monopoly on cyber-control and cyber-surveillance technology, which may limit the influence of U.S. Government policy. In "Wired for Repression," Ben Eglin and Vernon Silver document the use of "Western surveillance tools" from the U.S. and eight European nations to "empower repression," and "Armed with (surveillance) information, police in many of (authoritarian) countries now routinely confront dissidents with records of their messages and movements during arrest and torture, according to a 10-month investigation by Bloomberg News."[49]

Civilian technology advancements are challenging and competing with state-sponsored intelligence activities. Just as non-state actors such as insurgent and terrorist groups are challenging states' Westphalian monopoly on the use of military force, technology proliferation by civilian corporations is challenging states' control and influence on technology. To complicate matters further, many surveillance products are

dual use, with commercial and governmental applications. Unlike military equipment, designed specifically for combat operations, surveillance technology is often designed primarily for commercial and personal activities, from cyber security, to marketing, to personal activities such as social media and hand-held GPS navigation. Recent news highlights three cases in point.

First, public and political criticism arose recently regarding Carrier IQ smart-phone software that tracks user's actions, to include the content of electronic messages.[50] Although cell phone service providers claimed the Carrier IQ software was used as a "diagnostic tool" to "improve wireless network and service performance," Senator Al Franken stated, "the revelation that the locations and other sensitive data of millions of Americans are being secretly recorded and possibly transmitted is deeply troubling."[51]

Second, with increases in facial-recognition software, and computing power required to rapidly correlate photos with database information, David Goldman, asks "In the Future, Can You Remain Anonymous?"[52] Goldman reports that the Federal Trade Commission recently addressed facial recognition policy, but left the issue to "industry self-regulation."[53] In a broad foreshadowing of future policy debates, Daniel Solove states, "Is U.S. privacy law ready for facial recognition? It's not even close."[54]

Third, in an arguably related case, in *United States versus Antoine Jones,* the United States Supreme Court ruled that "warrantless use of a tracking device on a respondent's vehicle" violates the Fourth Amendment.[55] "Applying a 'mosaic' theory, the court reasoned that '[p]rolonged surveillance reveals types of information not revealed by short-term surveillance, such as what a person does repeatedly, what he does not

do, and what he does ensemble,' which can 'reveal more about a person than does any individual trip viewed in isolation.'[56] In addition, "The decision of the court of appeals conflicts with this Court's longstanding precedent that a person traveling on public thoroughfares has no reasonable expectation of privacy in his movements from one place to another, even if "scientific enhancements" allow police to observe this public information more efficiently, and "when it comes to the Fourth Amendment, means do matter."[57]   Media commentary summarized the case as, "…a group of four justices led by Samuel Alito concluded that the majority's reasoning was 'artificial' and did not address larger legal concerns of searches in the digital age, including GPS. He said the court should have used this case to clarify the limits of police monitoring of wireless personal communication devices like mobile phones and Internet use…'The availability and use of these and other devices will continue to shape the average person's expectations about the privacy of his or her daily movements,' Alito wrote. 'In circumstances involving dramatic technological change, the best solution to privacy concerns may be legislative.'[58]

The point here is that these are civilian technologies, used for corporate and law-enforcement purposes. Similarly, despite the technological advancement and innovation within U.S. industry, we are merely one competitor in a global marketplace. As the U.S. seeks to refine technology export and international political influence, it is important to note that current debates notwithstanding, the United States' record of domestic surveillance and civil liberties is not unblemished.

Intelligence Oversight

The history of United States internal intelligence operations and government oversight illustrates policy gaps and violations that may serve as examples during

dialogue with partner nation policymakers developing their own oversight programs. In

her study of intelligence oversight since 1947, Edwina Clare Reid concludes, "the track

record for congressional oversight has been somewhat spotty, going from virtually

nonexistent to occasionally disinterested…"[59] In 1975, however, Congress investigated

intelligence activities conducted in the era of the civil rights movement and Vietnam

War. The United States Senate chartered the Select Committee to Study Governmental

Operations with Respect to Intelligence Activities, otherwise known as the Church

Committee, which published "Intelligence Activities and the Rights of Americans," on

April 26, 1976.[60] Although many CIA and FBI operations claimed to focus on counter-

espionage and counter-communist operations, the Church Commission rejected "the

view that the traditional American principles of justice and fair play have no place in our

struggle against the enemies of freedom. Moreover, our investigation has established

that the targets of intelligence activity have ranged far beyond persons who could

properly be characterized as enemies of freedom and have extended to a wide array of

citizens engaging in lawful activity."[61] Although the majority of the Church Committee's

ninety-six recommended improvements floundered due to Congressional politics, "the

Senate did establish an oversight committee, but with limited budget power."[62] The

resulting Hughes-Ryan Amendment to the Foreign Assistance Act of 1961 placed

constraints on covert actions and "demonstrated to the executive that the legislature

had a role in intelligence oversight, and given proper motivation, was willing to exercise

that role."[63]

Following the Church Committee report and Hughes-Ryan Amendment, "the

oversight period between 1980 and 2001 demonstrates the maturing of the oversight

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process…"[64] The period also demonstrates a shift in the congressional mindset. "Oversight began as a punishment for misdeeds; it evolved into an accept(ed) support and necessary evaluation of intelligence operations."[65] Following the terrorist attacks on September 11, 2001, the USA Patriot Act "gives sweeping new powers to both domestic law enforcement and international intelligence agencies and eliminated the checks and balances that previously gave courts the opportunity to ensure that such powers are not abused."[66] In addition, "it is important to note, that while the USA PATRIOT Act increases police power to conduct domestic surveillance, it does not change the role of the military or the foreign intelligence bodies in relation to domestic intelligence gathering."[67]

The purpose of the preceding discussion is not to provide a comprehensive history of intelligence oversight. The purpose is to illustrate the broad grey areas and highlight points from internal debates within the U.S. Government and population. It is important to note, however, that these debates have occurred, and are occurring, within the world's strongest and most mature democracy. Given U.S. Government checks and balances, and foundation that debate provides for our development of policy and law, it may be appropriate to temper expectations regarding how a partner nation may reach their own conclusions. A new or weak democracy may not have the capacity for similar levels of debate and transparency. Likewise, a failing state may be too embroiled in crisis and may lack the institutions to make decisions methodically. Nonetheless, global terrorism and sanctuaries provided by ungoverned spaces present a time-sensitive problem, wherein an actionable solution must be timely and correct.

Considerations for Building Partnership Capacity

The following is not intended to be a comprehensive overview of security assistance or building partnership capacity. Rather, this section will discuss a few basic considerations and concepts, then tie the considerations for ISR export to the broader U.S. objective of democratization.

While airpower alone cannot control territory, airborne ISR assets are a key enabler for monitoring and securing ungoverned spaces. Likewise, while airborne ISR assets may be armed, when used within a state's own territory, they are arguably defensively oriented. This section seeks to mitigate these two unfavorable characteristics within Dolman's framework for military organization to positively influence democratization.

Following termination of U.S. operations in Iraq, and as the U.S. plans to transition out of Afghanistan, the United States has two primary choices regarding global ISR capabilities and capacity: maintain organic ISR capacity to meet all global requirements, or build partner ISR capabilities and capacity to meet local and regional partnership requirements.

The 2010 Quadrennial Defense Review (QDR) calls for expansion of "unmanned aircraft systems (UASs) for intelligence, surveillance, and reconnaissance (ISR)." [68] Specifically, the QDR states, "the Air Force is on track to…expand the (Predator/Reaper) force to 65 orbits by FY 2015."[69] However, as of November 2011, the Air Force surpassed the FY11 goal of 50 Predator/Reaper orbits, expanding to 60 orbits, with plans to increase to 65 orbits by FY13.[70] Similarly, the Air Force maintains operational deployment of 30 MC-12 "Project Liberty" aircraft, which were rapidly acquired and fielded in 2008-2009.[71]

Assessment of global ISR requirements is beyond the scope and classification of this paper. Nonetheless, considering that recent efforts have focused solely on Iraq and Afghanistan, it is reasonable to assume that the USAF may lack the capacity to meet all future ISR requirements worldwide. For instance, the Defense Science Board lists over 24 states that "present COIN challenges."[72] In addition, as the Department of Defense struggles to reduce personnel costs, the manning required for airborne ISR assets may become cost-prohibitive.[73] As a case in point, the initial MC-12 operational plans required 600 aircrew to sustain combat operations in Iraq and Afghanistan, not including training and support personnel, and critical intelligence analysts to process, exploit, and disseminate (PED) detailed ISR products.[74] Air Combat Command estimates the long-term personnel requirements could be as much as 874 personnel.[75]

Utilizing U.S. forces, and those of key allies operating similar airborne ISR platforms, in lieu of building partnership capacity would help mitigate the civil-military hazards. Furthermore, technology transfer concerns could be satisfied by the U.S. and key allies operating airborne ISR assets, and sharing information with host nation ground forces. This may be the best option for time-sensitive operations, but would not build partnership capacity and would not enable the partner nation to meet their own security requirements. In addition, unilateral or coalition operations may meet diplomatic roadblocks such as Iraqi protests of the U.S. Department of State flying small, low-altitude, unarmed UAVs following the withdrawal of U.S. combat forces.[76] However, repeating the assumption that the USAF may lack the capacity to meet all future ISR requirements worldwide, the option of utilizing only U.S. and key allies' forces is likely not feasible.

The alternative option is exporting airborne ISR technology and expertise. Within Air Force Doctrine for both Irregular Warfare (IW) and Foreign Internal Defense (FID) states, ISR is a critical airpower role in "supporting counterinsurgency and counterterrorism and entails supporting civil law-enforcement agencies and government administrative mechanisms, as well as military surface forces."[77] At the macro level, however, the issue of developing and utilizing airpower for internal defense is best addressed with the host nation government rather than tactical forces. Similarly, building partnership capacity for entire intelligence organizations that employ ISR assets warrants whole-of-government effort.

The 2010 *Quadrennial Defense Review* states:

As we place greater emphasis on building the capacity of our partners, our efforts will continue to be informed by our long-term determination to foster human dignity. This commitment is manifested in human rights vetting and other controls that shape our efforts to train, equip, and assist foreign forces and partner security institutions. America's efforts to build the capacity of our partners will always be defined by support for healthy civil-military relations, respect for human dignity and the rule of law, promotion of international humanitarian law, and the professionalization of partner military forces.[78]

In addition, the 2010 QDR discusses government-wide efforts to improve partner institutions. Looking beyond foreign tactical forces, the 2010 QDR desires to "strengthen capacities for ministerial-level training…the Department [of Defense] recognizes that in order to ensure that enhancements developed among security forces are sustained, the supporting institutions in partner nations must also function effectively."[79]

In 2009, the Defense Security Cooperation Agency (DSCA) initiated the Defense Institution Reform Initiative (DIRI), "intended to help partner countries develop accountable, professional, and transparent defense establishments that can manage,

sustain, and employ their forces and the capabilities developed through U.S. security cooperation programs."[80] Among the DIRI focus areas, intelligence oversight could fall into "Defense Policy & Strategy," "Human Resource Development," and "Civil-Military Relations and Interagency Coordination."[81]

Florina Christiana Matei and Thomas Bruneay provide one analysis that may be useful within department or minister-level partnerships.[82] Although they do not address the specific issue of failed or failing states, they do highlight that intelligence reform in developing nations has not been researched extensively. "There is a very large and rich literature on intelligence in established Western democracies…In stark contrast, there is extremely little literature on intelligence reform in newer democracies."[83] Matei and Bruneay define the "*democraticization of intelligence* (emphasis in original)" as "establishing an institutional framework whereby democratically elected civilians can control the intelligence agencies and at the same time maximize their potential for effectiveness."[84] However, they also highlight a cross-cultural issue that may conflict with U.S. policy. Regarding a nation's sovereign policies and practices, "the answer to *acceptable to who* (emphasis in original) is – to the population of the new democracy that vote for politicians who have the responsibility for establishing and controlling the institutions."[85]

Even if the host nation democratically chooses a policy that does not mirror U.S. policy, building a government-to-government relationship may be beneficial, especially in the long run. Regarding policy such as export control, the Leahy Amendment and the Global Online Freedom Act, if the U.S. chooses to forego a relationship with a state that

does not meet U.S. policy provisos, that state may turn elsewhere for technology or training.

Foreign firms are financially motivated to provide technological capabilities regardless of U.S. policy. Likewise, competitor or adversarial states have fiscal and other motivations to provide technology. Market demand may challenge potential U.S. efforts to restrain proliferation, as current forecasts predict the worldwide UAV market will grow from $5.9 billion in 2011 to $11.3 billion in 2020.[86] In addition, international firms produce and export 11 major UAV systems, while over 40 countries are developing UAVs.[87] Finally, states will also develop their own manned capabilities, such as the South African Advanced High-Performance Reconnaissance and Surveillance Aircraft (AHRLAC), which unlike other ISR programs that modify civilian aircraft for military use, is specifically designed for ISR, armed patrol, and light attack.[88] Worldwide demand for ISR aircraft is increasing, as are the number of U.S. and international contractors providing equipment and/or services.[89]

This fiscal motivation fuels the worldwide demand for ISR aircraft and is a testament to their usefulness in monitoring ungoverned spaces, conducting counterinsurgency operations, as well as enabling law enforcement. Although many of the nations seeking ISR aircraft do not have internal strife that warrants a Stability & Reconstruction (S&R) mission, at least one S&R concept may be useful. The United States Institute for Peace and United States Army Peacekeeping and Stability Operations Institute provide one fundamental, "Nesting," that highlights the tension between short-term and long-term goals.[90] The concept of Nesting includes, "short-term objectives should be nested in the longer-term goals…focus on rapid results, while

understanding the impact on longer-term goals…(and)…do not neglect the medium term."[91]

With the current risks of ungoverned spaces providing terrorist sanctuary, rapid results are essential to U.S. national interests. However, the U.S. should pursue short-term international security objectives in the context of the medium term, and long term national interests of democratization. As stated in the 2009 *U.S. Government Counterinsurgency Guide,* "physical security efforts must not focus too greatly on strengthening the military and police forces of the affected nation. Such capacity building should only be part of a broader process of Security Sector Reform…in which the whole system is developed, including the civil institutions that oversee the security forces and intelligence services…"[92] In the case of operations countering a strong insurgency or supporting a failing government, broad Security Sector Reform will facilitate transition as host nation security forces and government institutions gain capability and legitimacy.[93] Failure to engage with partner nations regarding their development of intelligence institutions and intelligence oversight may leave ISR capabilities susceptible to misuse which could undermine democratic reforms. While the Defense Science Board asserts, "the defense intelligence community should place more emphasis on 'left of bang' – before the need for a large commitment of U.S. combat troops," Security Sector Reform should also be considered 'left of ballot,' and pursue security measures within the context of democratic institution building.[94]

Whole of Government Approach

While tactical forces work to build partnership capacity with counterpart forces, the United States Embassy Country Team should coordinate broad Security Sector Reform and synchronize possibly U.S. Government organizations working with the

partner nation, from military to law enforcement.[95] In addition, the Country Team should

pursue Security Sector Reform with broader governance initiatives, such as building or

strengthening institutions, and as the partner nation strengthens civilian control of the

military and rule of law, balance short-term security with long-term transition. Within the

context of developing institutions and influencing partner nation policy, the Country

Team should address how intelligence organizations and security forces will employ

ISR assets.

One consideration should be whether partner nation policy mirrors the U.S.

Posse Comitatus Act, with corresponding restrictions on using federal military forces for

domestic law enforcement. Even if the partner nation desires such policy, however,

resource constraints or acute internal security threats may necessitate utilizing military

forces for police work. For instance, Rebecca Bill Chavez describes a 2007 event in

Mexico, wherein Mexican soldiers committed human rights abuses in response to

attacks by drug-trafficking organizations.[96] Chavez also states, "a growing public

security crisis in Latin America and the Caribbean has placed exacting pressures on

security forces...the adage that desperate times call for desperate measures could

spread as governments search for effective methods to fight the crime epidemic and

public insecurity."[97]

The Country Team may have diverse resources available from U.S. Government

agencies. Although a comprehensive interagency survey is beyond the scope of this

paper, the *U.S. Counterinsurgency Guide* provides a thorough overview of interagency

organizations.[98] Organizations such as the Department of Homeland Security and the

Department of Justice have training programs that address civil liberties and privacy

during domestic operations.[99] In addition, the Department of State and United States

Agency for International Development (USAID) each have offices that oversee

democracy and governance initiatives.[100] Of note, in addition to operational

assessments by the Geographic Combatant Commander, USAID's *Security Sector*

Assessment Framework may frame problems that warrant ISR assets, and help

determine the capabilities and capacities required.

Returning to discussions of Joint Combined Exchange Training and policy

regarding human rights abuses in the 1990s, Brigadier General John Scales remarked,

"'you can't go in there and give them training on human rights; it's by your example' that

they learn."[101] At the national level, partner government and military leaders struggling

to create or strengthen their own democracies must understand that the United States

has weathered internal intelligence missteps due to the strengths and maturity of our

democracy, our institutions, and political systems. Matei and Bruneau ask, "If older

democracies can fail in one way or another to balance democratic control with

effectiveness, (as with successful terrorist attacks in the USA, Great Britain, and Spain)

how can new democracies be expected to be successful?"[102] U.S. policymakers, and

security cooperation personnel from senior leaders to tactical experts will likely require

patience and persistence to help partner nations meet pressing security requirements

while having a developing host nation policy for intelligence operations and utilizations

within their societies.

Conclusion

Building partnership capacity with airborne ISR assets has the potential to be

misused and inadvertently weaken democratic values in the partner nation. That said,

cause-and-effect linkages between military organization and government institutions

remain uncertain. Ultimately, how the ISR system is used will determine far more than will its inherent capabilities.   One kinetic analogy is the use of small arms weapons. Few blame bullets for killing the wrong people, since the individual pulling the trigger bears responsibility for where the bullet strikes. Likewise, ISR technology alone is agnostic, and its virtue or malevolence is determined by those at the controls of the sensors or those that possess and utilize information.

As the U.S. seeks to influence partner nations' control of their security assets and organizations, Country Teams should seek to build and strengthen partner-nation intelligence institutions and oversight mechanisms. Merely focusing on technology and tactics may create a policy void that could leave ISR capabilities vulnerable to misuse that could be detrimental to civil or human rights, as well as democratic institutions. U.S. personnel working at the tactical level must set the example of professionalism, and explicitly address protection of civil and human rights. However, it may not be realistic to expect beliefs and behavior to trickle up from the squad or squadron level to the highest levels within the partner nation government. Employing a whole of government approach to develop partner nation policy, oversight programs, and tactical capabilities simultaneously will facilitate balanced growth of partnership capacity at all levels of governance and armed forces. Similarly, developing and sharing strategies for use of ISR assets will maximize the effectiveness and efficiencies of host nation operations. While many discussions will focus on technology and tactics, a broader ends-ways-means strategic assessment will guard against throwing technological means at a problem without understanding the ways that technology will achieve the desired ends.

Finally, while I entered this research with wariness regarding the unintended consequences of ISR export, I recommend maximizing efforts to build partnership ISR capacity while pursuing the broader and more complex national goals of democratic reform. Sophisticated military technologies warrant export restrictions. However, as civilian technology matures, military technology may become overclassified when compared to its civilian equivalent. Likewise, restricting export of both military and civilian technologies may not achieve U.S. objectives, since international suppliers are already are proliferating technology. While partnering with states that have civil or human rights shortfalls may create an uncomfortable dilemma regarding U.S. values, U.S. policy will not likely stop a foreign state from acquiring technology. More importantly, by not doing so, the U.S. will lose initiative and cede either or both the military-to-military and state-to-state relationship to another suitor.

Ceding the state-to-state relationship leaves the U.S. with few mechanisms to influence and develop a foreign nation's policy while it works to build tactical capacity. The U.S. should certainly not turn a blind eye toward civil or human rights violations. Likewise, as partner nations struggle to reform their governance and military forces, the U.S. will need to be both patient and persistent. Missteps are likely, but also likely recoverable with diligent statecraft and dialogue. While partner nations should maximize transparency and accountability within their institutions, the international community should not assume that a sensational story of misconduct by individuals indicates a partner government's policy or sanction of misconduct. Ultimately, the United States is faced with pressing requirements to help partner states control ungoverned spaces and defeat terrorist networks. Airborne ISR provides tremendous

capability for partner nations to meet their own security interests, which not only reduces requirements for U.S. forces, but also creates a more secure global environment which translates directly to the U.S. homeland. Helping partner nations balance the tension between security and liberty will facilitate short-term security goals while pursuing long-term democratization objectives.

Endnotes

[1] James S. Corum and Wray R. Johnson, *Airpower in Small Wars: Fighting Insurgents and Terrorists,* (Lawrence, KS : Kansas University Press, 2003).

[2] Ibid., 15-16.

[3] Ibid., 19.

[4] Ibid., 434.

[5] The term "insatiable demand for ISR," has become somewhat cliché during the past decade. Nearly every article and speech regarding ISR cites "insatiable demand." The author regrets the inability to cite the first use of the term.

[6] Author's personal observations during development and initial deployment of USAF Project Liberty MC-12W aircraft, and as Commander, 361st Expeditionary Reconnaissance Squadron, Kandahar, Afghanistan, March 2010 to March 2011.

[7] Phil A. Stewart, *The Doom of My Enemies: Dark Networks and Tactical ISR,* Strategy Research Project (Carlisle Barracks, PA: U.S. Army War College, 2011).

[8] Michael T. Flynn, Matt Pottinger, and Paul D. Batchelor, *Fixing Intel: A Blueprint for Making Intelligence Relevant in Afghanistan*, (Washington, DC: Center for a New American Security, January 2010), http://www.cnas.org/node/3924 (accessed 20 February 2012).

[9] U.S. Department of Defense, Office of the Under Secretary of Defense for Acquisition, Technology and Logistics, Report of the Defense Science Board Task Force on Defense Intelligence, *Counterinsurgency (COIN) Intelligence, Surveillance, and Reconnaissance (ISR) Operations,* (Washington, DC: February 2011), vi-vii, http://www.fas.org/irp/agency/dod/dsb/coin.pdf (accessed 20 February 2012).

[10] Department of the Air Force, *Air Force Doctrine Document 3-24: Irregular Warfare* (Washington, DC: Department of the Air Force, April 3, 2007), 6.

[11] John Owen, "How Liberalism Produces Peace," *International Security* 19 (1994), 87-125; Bruce Russet, *Grasping the Democratic Peace* (Princeton, NJ: Princeton University Press,

1993); as cited by Everett Carl Dolman, *The Warrior State: How Military Organization Structures Politics*, (New York, NY: Palgrave Macmillan, 2004), 5.

[12] Dolman, *The Warrior State*, 6.

[13] Barak Obama, *National Security Strategy,* (Washington, DC: The White House, May 2010), 37.

[14] Barak Obama, *Sustaining U.S. Global Leadership: Priorities for 21st Century Defense*, (Washington, DC: The White House, January 2012), Introductory Letter (January 3, 2012), 1.

[15] Obama, *Sustaining U.S. Global Leadership,* 6.

[16] Obama, *Sustaining U.S. Global Leadership,* 21.

[17] Excerpts from Obama, *National Security Strategy:* "Pursue Sustainable and Responsible Security Systems in At-Risk States: Proactively investing in stronger societies and human welfare is far more effective and efficient than responding after state collapse. The United States must improve its capability to strengthen the security of states at risk of conflict and violence. We will undertake long-term, sustained efforts to strengthen the capacity of security forces to guarantee internal security, defend against external threats, and promote regional security and respect for human rights and the rule of law. We will also continue to strengthen the administrative and oversight capability of civilian security sector institutions, and the effectiveness of criminal justice," 27; "Intelligence: Our country's safety and prosperity depend on the quality of the intelligence we collect and the analysis we produce, our ability to evaluate and share this information in a timely manner, and our ability to counter intelligence threats. This is as true for the strategic intelligence that informs executive decisions as it is for intelligence support to homeland security, state, local, and tribal governments, our troops, and critical national missions. We are working to better integrate the Intelligence Community, while also enhancing the capabilities of our Intelligence Community members. We are strengthening our partnerships with foreign intelligence services and sustaining strong ties with our close allies. And we continue to invest in the men and women of the Intelligence Community." 15-16.

[18] Dolman, *The Warrior State.*

[19] Dolman, *The Warrior State, 2*3. In addition, Dolman states, "Military reform has not been proved itself a sufficient cause for democratization. But it may be a necessary one. Just how necessary the military component is to the overall process of democratization is hard to gauge, but what is repeatedly evident from the historical cases is that it is quite often *the* critical or tipping component," Dolman, *The Warrior State,* 184.

[20] Doman's ten principles: Preparation for War; Scale of Eligibility for Military Participation; Scope of Eligibility for Military Participation; Mercenaries versus Citizens; Offensive versus Defensive Strategy; Capacity for Territorial Control; Training, Discipline and Combined Operations; Militarism versus Military Science; Discrimination in Placement and Promotion; Loyalty to the State. Dolman, *The Warrior State,* 24-45.

[21] Dolman states, "*States with military forces organized for offensive operations will tend to develop a less centralized, more democratic political structure than states whose military forces are organized for defensive operations (emphasis in original),*" and "*States with military forces*

organized for territorial occupation will be less likely to develop democratic institutions than states whose military forces are poorly organized for territorial occupation (emphasis in original)." Dolman, *The Warrior State,* 34, 36.

[22] Ibid.*,* 36-37.

[23] Ibid.*,* 37.

[24] Ibid.*,* 37.

[25] Ibid.*,* 37.

[26] Mike Rogers, "Keynote Speech to C4ISR Conference," U.S. House of Representatives Permanent Select Committee on Intelligence, (Crystal City, VA: October 27, 2011), 5, http://intelligence.house.gov/press-release/chairman-mike-rogers-keynote-speech-c4isr-conference, (accessed March 11, 2012).

[27] United States Government Accountability Office, Report to Congressional Committees, *Intelligence, Surveillance, and Reconnaissance: Actions are Needed to Increase Integration and Efficiencies of DOD's ISR Enterprise,* GAO-11-465, (Washington, DC: June 2011), 1, http://www.gao.gov/new.items/d11465.pdf (accessed March 11, 2012).

[28] William C. Story, Jr., "Joint Combined Exchange Training (JCET) and Human Rights: Background and Issues for Congress," (Washington, DC: U.S. Library of Congress, Congressional Research Service, January 26, 1999), Summary page, CRS-5. http://www.au.af.mil/au/awc/awcgate/crs/rl30034.pdf (accessed March 11, 2012).

[29] Dana Priest, "Pentagon Slow to Cooperate With Information Requests," *Washington Post,* Thursday, December 31, 1998, A34, http://www.washingtonpost.com/wp-srv/national/longterm/overseas/stories/priest1231.htm (accessed March 11, 2012); See also Dana Priest, "U.S. Military Trains Foreign Troops," *Washington Post,* July 12, 1998, A01, http://www.washingtonpost.com/wp-srv/national/longterm/overseas/overseas1a.htm (accessed March 11, 2012); Douglas Farah, "A Tutor to Every Army in Latin America," *Washington Post,* July 13, 1998, A01, http://www.washingtonpost.com/wp-srv/national/longterm/overseas/overseas2a.htm (accessed March 11, 2012); Lynne Duke, "U.S. Faces Surprise, Dilemma in Africa," *Washington Post,* July 14, 1998, A01, http://www.washingtonpost.com/wp-srv/national/longterm/overseas/overseas3a.htm (accessed March 11, 2012).

[30] Story, "Joint Combined Exchange Training (JCET) and Human Rights," CRS-9.

[31] "Human rights are a major U.S. policy concern. Human rights issues are reflected in JCET oversight, vetting of foreign units, and more pointedly, what units the SOF teams train and what actions those units and personnel are involved in after the JCET." Ibid., CRS-11.

[32] Ibid., CRS-11.

[33] As an action officer on the Joint Staff in 1998, the author coordinated SOF deployments to U.S. Southern Command. Each deployment order mandated human rights training for partner nation forces during the course of the training. In addition, Storey cites Lipman, "the

(Rwanda JCET) training included "respect for human rights, the laws of war and the role of military in a democratic society," Thomas W. Lippman, "Rwanda Army Blamed for Acts in Congo, Rights Group Faults U.S. Training Effort," *Washington Post,* July 16, 1997, A15, http://www.washingtonpost.com/wp-srv/inatl/longterm/congo/stories/071697.htm (accessed March 11, 2012).

[34] Lynne Duke, "U.S. Faces Surprise, Dilemma in Africa," *Washington Post,* July 14, 1998, A01, http://www.washingtonpost.com/wp-srv/national/longterm/overseas/overseas3a.htm (accessed March 11, 2012).

[35] Storey, "Joint Combined Exchange Training (JCET) and Human Rights," CRS-7.

[36] Ibid., CRS-19.

[37] The Leahy Amendment was originally introduced as a bill to S.2132, Department of Defense Appropriations Act, 1999; Patrick J. Leahy, *Leahy Amendment No. 3477,* 105th Cong. (July 30, 1998), http://thomas.loc.gov/cgi-bin/bdquery/D?d105:57:./temp/~bdNu5v::|/home/LegislativeData.php?n=BSS;c=105| (accessed March 11, 2012).

[38] Story, CRS-20.

[39] For a summary of JCET benefits see Story, "Joint Combined Exchange Training (JCET) and Human Rights," CRS-6, 7.

[40] "Protecting civil liberties and privacy are integral to the vibrancy of our democracy and the exercise of freedom. We are balancing our solemn commitments to these virtues with the mandate to provide security for the American people. Vigorous oversight of national security activities by our three branches of government and vigilant compliance with the rule of law allows us to maintain this balance, affirm to our friends and allies the constitutional ideals we uphold." (Obama, *National Security Strategy,* 37).

[41] United Nations, *The Universal Declaration of Human Rights*, Article 12 online, http://www.un.org/en/documents/udhr/index.shtml (accessed, March 11, 2012).

[42] Buckner F. Melton, Jr., ed, *The Quotable Founding Fathers: A Treasury of 2,500 Wise and Witty Quotations from the Men and Women Who Created America,* (Washington, DC: Potomac Books, 2004), 169.

[43] Although Thomas Jefferson is often misquoted as stating, "eternal vigilance is the price of liberty," the quote has not been attributed to Jefferson. The well-known quotation has not been attributed to an original source, although it is often credited to John Philpot Curran's statement, "the condition upon which God hath given liberty to man is eternal vigilance; which condition if he break, servitude is at once the consequence of his crime and the punishment of his guilt," Suzy Platt, ed., *Respectfully Quoted* (Washington DC: Library of Congress, 1993) 200; for additional discussion, see *The Jefferson Monticello* website, http://www.monticello.org/site/jefferson/eternal-vigilance-price-liberty-quotation#footnote4_1s5gkiz, (accessed March 14, 2012).

[44] "The emergence of technologies such as the Internet, wireless networks, mobile smart-phones, investigative forensics, satellite and aerial imagery, and distributed remote sensing infrastructure has created powerful new opportunities to advance democracy and human rights. These technologies have fueled people-powered political movements, made it possible to shine a spotlight on human rights abuses nearly instantaneously, and increased avenues for free speech and unrestricted communication around the world. We support the dissemination and use of these technologies…," (Obama, *National Security Strategy,* 39).

[45] Carl Gershman, President, The National Endowment for Democracy, "Threats to Freedom of Expression in the Age of Information," at the conference on "The Epoch-Making Power of Free Speech," Valclav Havel Library, Prague, December 9, 2011, http://www.ned.org/about/board/meet-our-president/archived-presentations-and-articles/threats-to-freedom-of-expression- (accessed March 11, 2012).

[46] Patricia Moloney Figliola, et al., *U.S. Initiatives to Promote Global Internet Freedom: Issues, Policy, and Technology,* (Washington, DC: U.S. Library of Congress, Congressional Research Service, April 5, 2010), http://www.fas.org/sgp/crs/misc/R41120.pdf (accessed March 11, 2012).

[47] Robert McMahon and Isabella Bennet, *U.S. Internet Providers and the 'Great Firewall of China,'* Council on Foreign Relations Website, February 23, 2011, http://www.cfr.org/china/us-internet-providers-great-firewall-china/p9856, (accessed March 14, 2012); see also, Figliola, et al., *U.S. Initiatives to Promote Global Internet Freedom.*

[48] "To prevent United States businesses from cooperating with repressive governments in transforming the Internet into a tool of censorship and surveillance, to fulfill the responsibility of the United States Government to promote freedom of expression on the Internet, to restore public confidence in the integrity of United States businesses, and for other purposes," *Global Online Freedom Act of 2011, H.R. 3605*, 112th Cong., 1st sess., http://www.gpo.gov/fdsys/pkg/BILLS-112hr3605ih/pdf/BILLS-112hr3605ih.pdf (accessed March 14, 2012); see also *Global Online Freedom Act of 2011, H.R. 3605*, Open Congress for the 112th United States Congress Website, http://www.opencongress.org/bill/112-h3605/show [CHECK CITATION] (accessed March 14, 2011).

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[51] Ian Sherr and Anton Troianovski, "Tracking-Software Maker Stirs Phone-Privacy Fears," *Wall Street Journal* online, December 2, 2011, http://online.wsj.com/article/SB10001424052970204012004577072652397112014.html (accessed March 12, 2012).

[52] David Goldman, "In the Future, Can You Remain Anonymous?," *CNN Money* online*,* January 13, 2012, http://money.cnn.com/2012/01/13/technology/face_recognition/?source=cnn_bin (accessed March 12, 2012).

[53] Ibid.

[54] Daniel Solove, profession at the George Washington University Law School, as quoted by David Goldman, "In the Future, Can You Remain Anonymous?," *CNN Money,* January 13, 2012, http://money.cnn.com/2012/01/13/technology/face_recognition/?source=cnn_bin (accessed March 12, 2012).

[55] *United States of America v. Antoine Jones,* U.S. Supreme Court, Petition for a Writ of Certiorari, No. 10-1259, (U.S. Supreme Court), http://www.justice.gov/osg/briefs/2010/2pet/7pet/2010-1259.pet.aa.pdf, (accessed March 11, 2012); see also *United States of America v .Jones*, Supreme Court of the United States, October Term, 2011, Syllabus No. 10-1259, Argued November 8, 2011, Decided January 23, 2012, (U.S. Supreme Court), http://www.supremecourt.gov/opinions/11pdf/10-1259.pdf (accessed March 11, 2012).

[56] *U.S. v. Jones,* http://www.justice.gov/osg/briefs/2010/2pet/7pet/2010-1259.pet.aa.pdf, pg 7

[57] *U.S. v. Jones,* http://www.justice.gov/osg/briefs/2010/2pet/7pet/2010-1259.pet.aa.pdf, pg 11-12; 37a

[58] Bill Mears, "Justices Rule Against Police, Say GPS Surveillance Requires Search Warrant," *CNN Justice* online*,* January 23, 2012 http://www.cnn.com/2012/01/23/justice/scotus-gps-tracking/index.html?hpt=hp_t1 (accessed March 12, 2012).

[59] Edwina Clare Reid, "Congressional Intelligence Oversight: Evolution in Progress 1947-2005," Naval Postgraduate School Thesis, September 2005, Pg 67 http://edocs.nps.edu/npspubs/scholarly/theses/2005/Sep/05Sep_Reid.pdf (accessed March 12, 2012).

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[61] Church Commission Final Report, Book II, Section I "Introduction and Summary."

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[63] Ibid., 25.

[64] Ibid., 43.

[65] Ibid., 43.

[66] Ibid., 51.

[67] Ibid., 51.

[68] Robert M. Gates, *Quadrennial Defense Review, (*Washington, DC: U.S. Department of Defense, February 2010), pg 22, http://www.defense.gov/qdr/qdr%20as%20of%2029jan10%201600.PDF (accessed March 11, 2012)

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[70] Department of the Air Force Presentation to the House Armed Services Committee Subcommittee on Tactical Air and Land Forces, "Air Force Tactical Aviation Programs," November 2, 2011, http://armedservices.house.gov/index.cfm/files/serve?File_id=78b3b30c-03ff-4c4d-b6d5-45453a473e8f Pg 13 (accessed March 11, 2012).

[71] Ibid., Pg 14.

[72] The Defense Science Board lists over 24 states that present "possible COIN challenges," United States Department of Defense, Office of the Under Secretary of Defense for Acquisition, Technology and Logistics, Report of the Defense Science Board Task Force on Defense Intelligence, *Counterinsurgency (COIN) Intelligence, Surveillance, and Reconnaissance (ISR) Operations,* (Washington, DC: U.S. Department of Defense, February 2011), 16, http://www.fas.org/irp/agency/dod/dsb/coin.pdf (last accessed 20 February 2012).

[73] "The fiscal reality facing us means that we also have to look at the growth in personnel costs, which are a major driver of budget growth and are, simply put, on an unsustainable course," Secretary of Defense Leon E. Panetta, "Remarks by Secretary Panetta at the Woodrow Wilson Center, Washington, D.C.," October 11, 2011, online http://www.defense.gov/transcripts/transcript.aspx?transcriptid=4903 (accessed March 11, 2012).

[74] Author was MC-12 initial cadre, involved in aircraft modifications, aircrew training, and transatlantic ferry operations. Subsequently, the author stood up and commanded the 361st Expeditionary Squadron at Kandahar Airfield, Afghanistan.

[75] "The [MC-12] beddown will consist of up to 874 personnel (711 staff and 163 contract support)." U.S. Air Force Headquarters, Air Combat Command, "Environmental Assessment for the MC-12 Training Squadron Beddown," Langley Air Force Base, VA, March 2011, FONSI-1 online http://accplanning.org/documents/EAs/MC_12_Final_EA_and_FONSI_10-Mar-11.pdf (accessed March 11, 2012).

[76] Eric Schmitt and Michael S. Schmidt, "U.S. Drones Patrolling Its Skies Provoke Outrage in Iraq," *New York Times,* January 29, 2012, http://www.nytimes.com/2012/01/30/world/middleeast/iraq-is-angered-by-us-drones-patrolling-its-skies.html?pagewanted=all (accessed March 11, 2012).

[77] Department of the Air Force, *Air Force Doctrine Document 2-3.1, Foreign Internal Defense,* (Washington, DC: U.S. Department of the Air Force, September 15, 2007), 20; see

also, U.S. Department of the Air Force, *Air Force Doctrine Document 3-24, Irregular Warfare,* 30.

[78] Gates, *Quadrennial Defense Review*, 27.

[79] "*Strengthen capacities for ministerial-level training*. As noted above, the Department recognizes that in order to ensure that enhancements developed among security forces are sustained, the supporting institutions in partner nations must also function effectively. This ministerial training mission is being conducted in Iraq and Afghanistan today by military officers, contractors, and members of the Department's Civilian Expeditionary Workforce (CEW). In FY 2010, the Department launched two formal programs, the Defense Institution Reform Initiative (DIRI) and the Ministry of Defense Advisor (MODA) program, to strengthen U.S. defense reform efforts in key countries and improve the preparation of DoD civilian advisors for such missions. The Department anticipates that the CEW, DIRI, and MODA programs will continue to develop and expand in support of both whole-of-government approaches and broad U.S. government objectives in reforming the security sector." Gates, *Quadrennial Defense Review,* 30.

[80] Department of Defense, Global Center for Security Cooperation (CGSC), *Global Outreach*, Volume 1, Issue 2, (Monterey, CA: Naval Postgraduate School, July 2009), 3, http://www.nps.edu/Academics/Centers/GCSC/subPages/documents/GCSCNewsletter_July09.pdf (accessed March 14, 2012); for additional information on the Defense Institution Reform Initiative, see U.S. Department of Defense, Security Cooperation Agency, *Fiscal Year 2012 Budget Estimates, Defense Security Cooperation Agency (DSCA),* (Washington, DC: Defense Security Cooperation Agency, February 2011), DSCA 429-432, http://comptroller.defense.gov/defbudget/fy2012/budget_justification/pdfs/01_Operation_and_Maintenance/O_M_VOL_1_PARTS/O_M_VOL_1_BASE_PARTS/DSCA_OP-5_FY_2012.pdf (accessed March 14, 2011).

[81] "DIRI focus areas are Defense Policy & Strategy; Human Resource Development (including Professional Defense & Military Education); Defense Planning, Budgeting and Resource Management; Logistics & Infrastructure; and Civil-Military Relations and Interagency Coordination," Ibid., 3.

[82] Florina Christiana Matei and Thomas Bruneau, "Intelligence Reform in New Democracies: Factors Supporting or Arresting Progress," *Democratization*, Vol. 18, No. 3, June 2011, 602-630, http://www.ccmr.org/public/library_file_proxy.cfm/lid/5666 (accessed March 11, 2012).

[83] Ibid., 605.

[84] Matei and Bruneau outline the following steps: "First, after creating new agencies (or reorganizing old ones), crafting the legal frameworks, which establish intelligence roles, control, oversight, accountability and transparency…Next is establishing and strengthening institutions and mechanisms for control and oversight of the intelligence services, to ensure intelligence is, at some level, accountable to the citizens…Last, is recognition of the need to develop additional principles and practices that boost the effectiveness of the intelligence agencies and strengthen the democratic nature of control and oversight…" Ibid., 606.

[85] Ibid., 606-607.

[86] Teal Group Corporation, "Teal Group Predicts Worldwide UAV Market Will Total Just Over $94 Billion," (Washington, DC: Teal Group, March 1, 2011), online, http://tealgroup.com/index.php?option=com_content&view=article&id=74:teal-group-predicts-worldwide-uav-market-will-total-just-over-94-billion-&catid=3&Itemid=16 (accessed February 20, 2011);

[87] Chris Cole, Mary Dobbing, and Amy Hailwood, *Convenient Killing: Armed Drones and the "Playstation" Mentality*, online (Oxford, England: The Fellowship of Reconciliation, September 2010), 11, http://www.for.org.uk/files/drones-conv-killing.pdf (accessed March 11, 2012).

[88] South African Advanced High-Performance Reconnaissance and Surveillance Aircraft (AHRLAC) Mission Capabilities: Peace Keeping & Emergency Relief; Policing, Border Control, Drug Control; Reconnaissance; Forward Air Control; COIN Operations; Electronic [Surveillance] – ELINT/COMINT; Maritime, Coastal & Fisheries Patrol – EEZ Patrol; Forward Air Supply; Training and Advanced Training; Armed Patrol, Escort and Light Attack; *Advanced High Performance Reconnaissance and Surveillance Aircraft Website,* http://ahrlac.com/index.php/ahrlac-explained/91-mission-capabilities (accessed March 11, 2012).

[89] For a brief overview of Light ISR Aircraft marked demand, see Andrew Chuter and Bradley Peniston, "Market Expands for Light ISR Aircraft," *Defense News*, June 27, 2011, http://www.defensenews.com/article/20110627/DEFFEAT06/106270313/Market-Expands-for-Light-ISR-Aircraft (accessed March 11, 2012).

[90] United States Institute of Peace and United States Army Peacekeeping and Stability Operations Institute, *Guiding Principles for Stabilization and Reconstruction,* (Washington, DC: U.S. Institute of Peace Press, 2009), 5-31, http://www.usip.org/publications/guiding-principles-stabilization-and-reconstruction (accessed March 11, 2012).

[91] Ibid., 5-31.

[92] United States Government Interagency Counterinsurgency Initiative, *U.S. Counterinsurgency Guide,* (Washington DC: U.S. Department of State, Bureau of Political-Military Affairs, January 2009), 22, http://www.state.gov/documents/organization/119629.pdf (last accessed March 11, 2012); for additional information on Interagency planning, see *U.S. Department of State, Political-Military Policy and Planning Team Homepage,* http://www.state.gov/t/pm/ppa/pmppt/ (accessed, March 11, 2012).

[93] "'Transition' is used to describe not just the transfer of authority from an intervening nation to the host nation but also the handover from indigenous military forces to local civilian authority…" *U.S.Government Counterinsurgency Guide,* 27.

[94] Office of the Under Secretary of Defense for Acquisition, Technology and Logistics, *Report of the Defense Science Board Task Force on Defense Intelligence, Counterinsurgency (COIN) Intelligence, Surveillance, and Reconnaissance (ISR) Operations,* (Washington, DC: Office of the Under Secretary of Defense for Acquisition, Technology and Logistics, February 2011), 24, http://www.acq.osd.mil/dsb/reports/ADA543575.pdf (accessed March 12, 2012).

[95] "The Country Team is the central element of interagency coordination and execution in the foreign country," *U.S. Government Counterinsurgency Guide,* 30.

[96] Rebecca Bill Chavez, "Integrating Human Rights and Public Security: The Challenges Posed by the Militarization of Law Enforcement," *Joint Force Quarterly,* Issue 64, 1st Quarter 2012, 68, http://www.ndu.edu/press/militarization-of-law-enforcement.html (accessed March 12, 2012).

[97] Chavez, "Integrating Human Rights and Public Security," 68.

[98] *U.S. Government Counterinsurgency Guide.*

[99] For Department of Homeland Security resources, see Homeland Security, Civil Rights and Civil Liberties, http://www.dhs.gov/xabout/structure/crcl.shtm (accessed March 12, 2012); for Department of Justice resources, see "Justice Information Sharing," U.S. Department of Justice, Office of Justice Programs, http://www.it.ojp.gov/privacyliberty (accessed March 12, 2012).

[100] For Department of State resources, see "Bureau of Democracy, Human Rights, and Labor," http://www.state.gov/j/drl/ (accessed March 12, 2012); for USAID resources, see "Democracy & Governance," http://www.usaid.gov/our_work/democracy_and_governance/ (accessed March 12, 2012).

[101] "'We're dealing with [individual military] units and you can't tell the host nation who they can have in those units,' said a senior SOLIC official who asked not to be named. In some countries, even mentioning human rights sometimes 'puts the program at risk.' … In practical terms, said Brig. Gen. John Scales of the U.S. Army Special Forces Command, 'You can't go in there and give them training on human rights; it's by your example' that they learn." Dana Priest, "U.S. Military Trains Foreign Troops," *The Washington Post,* July 12, 1998, http://www.washingtonpost.com/wp-srv/national/longterm/overseas/overseas1b.htm (accessed March 12, 2012).

[102] Matei and Bruneay, "Intelligence Reform in New Democracies," 624.